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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JUL 17 AM 10:02

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

Jose LOPEZ-Gutierrez,

Defendant(s)

Magistrate Case No.

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

DEPUTY

'08 MJ 2186

The undersigned complainant, being duly sworn, states:

On or about **July 15, 2008**, within the Southern District of California, defendant **Jose LOPEZ-Gutierrez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Gerardo MARTINEZ-Blanco**, **Maria De Jesus ZAVALA-Paramo**, and **Veronica GONZALEZ-Rangel** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 17th DAY OF **JULY 2008**

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

Jose LOPEZ-Gutierrez

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PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Gerardo MARTINEZ-Blanco, Maria De Jesus ZAVALA-Paramo, and Veronica GONZALEZ-Rangel** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 15, 2008 at approximately 9:30 P.M., Supervisory Border Patrol Agent J. Hayes was performing his assigned duties near Campo, California when he observed a silver Ford F-150 pickup truck driving westbound on State Highway 94 towards a location commonly known as the "Green Store." Agent Hayes noticed that the pickup truck was driving at a high rate of speed, and it bounced several times as it crossed over the railroad tracks, as if it was heavily loaded. As Agent Hayes followed the pickup westbound, he noticed that the vehicle was being driven in a manner consistent with someone who was not familiar with the local area. The vehicle would speed up then slow down as if looking for a place to pull over. Agent Hayes contacted Border Patrol Dispatch via radio and requested record checks on the vehicle. Dispatch informed Agent Hayes that the vehicle was registered to PV Holding Corporation in Los Angeles, California. Agent Hayes notified Border Patrol Agents H. Ballow and I. Diaz, who were parked on Highway 94 near Potrero, California, and requested that they conduct a vehicle stop when the truck passed their position.

Agents Ballow and Diaz conducted a vehicle stop near the intersection of Highway 94 and Potrero Valley Road. As the pickup pulled over to the shoulder of the road, it appeared to Agents Ballow and Diaz that the driver was going to attempt to flee the vehicle. As the pickup came to a stop Agents Ballow and Diaz approached the vehicle and observed the defendant **Jose LOPEZ-Gutierrez**, climbing over the center console from the driver's seat, in an attempt to hide in the back seat area. It is a very common tactic utilized, used by load drivers, to evade apprehension and identification as the driver of a smuggling load by attempting to blend in with the group of aliens. Agents Ballow and Diaz observed LOPEZ on top of a white blanket that was covering several other people hiding in the back seat.

Agents Ballow and Diaz identified themselves as Border Patrol Agents and separately questioned each of the six individuals in the pickup as to their immigration status. All six individuals, including defendant LOPEZ, freely stated that they were citizens and nationals of Mexico and that they were present in the United States illegally. All six were placed under arrest and transported to the Tecate Processing Center in Tecate, California.

MATERIAL WITNESSES STATEMENTS:

Material Witnesses **MARTINEZ-Blanco, Maria De Jesus ZAVALA-Paramo, and Veronica GONZALEZ-Rangel** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Baja California, Mexico to be smuggled into the United States. All the material witnesses stated that they were to pay between an unknown amount to \$2,000.00 U.S. dollars to be smuggled to various parts of California. When shown a photographic lineup containing six individuals, all three material witnesses identified Jose LOPEZ-Gutierrez as the driver of the vehicle.